

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57423 of 2024

Arising Out of PS. Case No.-234 Year-2022 Thana- KATIHAR GRP CASE District- Katihar

Rajesh Mahto S/o Devan Mahto R/o Vill - Musapur, P.S. - Muffasil, Distt.-
Samastipur

... .. Petitioner/s

Versus

1. The Union of India through Narcotics Control Bureau New Delhi
2. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vinay Ranjan, Advocate Mr. Abhishek Teerthankar, Advocate Mr. Prashant Shekhar, Advocate
For the Opposite Party/s	:	Mr. Amrendra Nath Verma, Sr. Counsel (U.O.I) Mr. Girija Shanker Prasad, C.G.C.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 25-10-2024 Heard Mr. Vinay Ranjan, learned Counsel for the

Petitioner and Mr. Amrendra Nath Verma, learned Senior

Counsel appearing for the Union of India.

2. Petitioner seeks regular bail in connection with
Special N.D.P.S. Case No. 27 of 2022 (G.R. No. 310 of 2022)
arising out of Katihar Rail P.S. Case No. 234 of 2022 dated
17.07.2022 registered for the offences punishable under
Sections 307, 414 and 328 of the Indian Penal Code read with
Section 8(c) and 22(b) of the N.D.P.S. Act and Sections 137 and
147 of the Railways Act.

3. The main submissions advanced by the learned
counsel appearing for the petitioner are that this is the second



attempt of the petitioner to get the relief of regular bail and his first prayer was rejected by this Bench vide order dated 24.04.2023 passed in Cr. Misc. No. 68586 of 2022 preferred by this petitioner in which the petitioner was given a liberty to renew his bail prayer after one year from the date of that order if the petitioner's trial is not concluded in the said period of one year. It is further submitted that the charges were framed upon the petitioner on 22.02.2023 and out of six prosecution witnesses, only one witness has been examined so far which shows the lingering attitude of the prosecution. The petitioner has been languishing in jail since 17.07.2022 and there is no chance of conclusion of the trial of the petitioner in near future. It is further submitted that though against the petitioner, there are criminal antecedents of eight cases but he has got bail in all the said cases.

4. Counter Affidavit has not been filed by Narcotics Control Bureau (N.C.B.) despite sufficient opportunity having been given in this regard.

5. Learned Senior counsel appearing for the Union of India through N.C.B. has opposed the bail prayer of the petitioner and submitted that there is serious allegation against this petitioner and he has criminal antecedent of eight cases.



6. Heard both the sides and perused the relevant materials, though, there is serious allegation against this petitioner and he has criminal antecedent of several cases but the prosecution is completely careless in producing the prosecution witnesses before the trial Court, as till date, only one prosecution witness has been examined as stated above, despite the charges having been framed upon the petitioner on 22.02.2023, so, considering this aspect as well as petitioner's custody period, this Court is now inclined to accept the prayer for bail of the petitioner. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Special N.D.P.S. Case No. 27 of 2022 (G.R. No. 310 of 2022) arising out of Katihar Rail P.S. Case No. 234 of 2022.

(Shailendra Singh, J)

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